

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMANDA ARNOLD,
Plaintiff,

Civil Action No.: 17-10432-DJC

VS.

**THE WOODS HOLE, MARTHA'S
VINEYARD AND NANTUCKET
STEAMSHIP AUTHORITY,**
Defendant.

**DEFENDANT'S MOTION IN LIMINE
TO PRECLUDE THE TESTIMONY OF PANISH**

Now comes the defendant, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (hereinafter the "Steamship Authority"), in the above captioned civil action, by and through its undersigned counsel, Clinton & Muzyka, P.C., and hereby submits its Motion In Limine to Preclude the Testimony of Panish pursuant to Fed.R.Evid. 702.

Plaintiff seeks to introduce at trial the expert testimony of Michael Panish, a licensed contractor and self-titled door expert ("Panish"). Because Panish is unqualified and because his opinion is unreliable, irrelevant and will not be helpful to the trier of fact (in fact it is more likely to confuse the jury), this Court should properly exercise its gatekeeping function under Fed.R.Evid. 702 and preclude Panish from testifying at trial.

WHEREFORE, and for the reasons set forth in the accompanying Memorandum, Plaintiff has failed to meet her burden to show that Panish's opinion is helpful, relevant, reliable and admissible. Panish is not qualified to provide expert opinions and has demonstrated in prior cases that he is not credible. Plaintiff has no evidence that the alleged

defects set forth in Panish's opinion have anything to do with the cause of Plaintiff's injury, which to be blunt was the placement of her fingers between the door and hinge-side jamb.

This is not enough to satisfy Fed.R.Evid. 702, and the opinion should be excluded.

By its attorneys,

CLINTON & MUZYKA, P.C.

/s/ Olaf Aprans

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2, I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 17, 2018.

/s/ Olaf Aprans

Olaf Aprans